

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiff,

-against-

Civ Action No: 15-cv-701 FPG/MJR

**DECLARATION of PLAINTIFFS’
COUNSEL for EXTENSION**

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants,

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DECLARATION OF COUNSEL IN SUPPORT OF EXTENSION OF TIME

I, Jeffrey Benjamin, Esq., declare under penalty of perjury, as provided for by the laws of the United States, that the following statements are true:

1. I am an attorney and counselor at law, duly admitted to practice before the Courts of the State of New York and this Court.

2. As of yesterday, I am “new” counsel for plaintiffs in this matter with the filing of Document #37 on the Court’s Docket. However, the Court and the parties may remember me as the original counsel who filed this case. As such, I am familiar with the facts and circumstances of this matter.

3. This Declaration is being submitted in support of Plaintiffs’ application for a (five) 5 month extension of time of the Case Management Order, given my re-entry into the case, and need to get current on what has been conducted over the past one year. The current Case Management Order is Document #31 from October, 2016.

4. The impetus for this motion is that former counsel for plaintiffs has advised me that he contacted defense counsel in this matter to obtain consent for said extension, but defense counsel would not so consent.

5. The reasons for this request are threefold. First, I understand that the current status of the case is that depositions of the plaintiffs have gone forward, but defendants' have not. There is significant fact discovery yet to be completed.

6. Second, I will need a short time to obtain the file from former counsel and prepare for continued fact discovery.

7. Third, it appears that prior plaintiffs' counsel was not able to make the instant motion earlier. No prior request for the relief requested herein has been made and this is plaintiffs' first such motion.

8. This case involves complicated issues of liability and damages involving a certain chemical product of the defendants that plaintiffs' allege was not as advertised, and which had an adverse effect on his employment. Fact and expert discovery is extensive and is substantially not complete. As such, it was likely that this request would have come to Court in any event, despite the current change in counsel.

9. Plaintiffs therefore respectfully request this Court extend the Case Management Order's discovery and other deadlines by five (5) months respectively.

WHEREFORE plaintiffs respectfully request a first extension of time as to the Case Management Order, along with such other relief the Court deems proper.

Dated: Great Neck, New York
June 22, 2017

Respectfully Submitted,

KUPILLAS, UNGER & BENJAMIN, LLP

Jeffrey Benjamin

Jeffrey Benjamin, Esq.
Attorney for Plaintiffs